

STATE OF NEW JERSEY CIVIL SERVICE COMMISSION

Chris Christie Governor Kim Guadagno Lt. Governor Robert M. Czech Chair/Chief Executive Officer

AGENDA OF REGULAR MEETING OF THE CIVIL SERVICE COMMISSION SEPTEMBER 19, 2012

Robert M. Czech, Chairperson Robert E. Brenner Thomas J. Perna Richard E. Williams

DISMISSAL FOR FAILURE TO APPEAR

The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Michael T. Calchi, et al, various titles, City of Millville, Department of Public Safety, layoffs.

Cristobal Calix, Water Repairer, City of Trenton, Department of Public Works, suspension and fine.

Tara Gilbert, Human Services Assistant, Vineland Developmental Center, Department of Human Services, returned to permanently held title at the end of the working test period.

Tialynn Johnson, Human Services Assistant, Woodbine Developmental Center, Department of Human Services Assistant, removal.

Keyante Morman, Human Services Assistant, NJ Veteran's Memorial Home-Vineland, NJ Military and Veteran's Affairs, release at the end of the working test period.

Ashley Still, Cottage Training Technician, Vineland Developmental Center, Department of Human Services, return to permanently held title at the end of the working test period.

Rashida Venord, Family Service Specialist Trainee, Department of Children and Families, release at the end of the working test period.

Sean Wyatt, Supervising Municipal Court Attendant, City of Atlantic City, Department of Administration, suspension.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Luciano Armenti, Judiciary Clerk 2, Judiciary, release at the end of the working test period.

Andrew Benavente, Sr., Sheriff's Officer, Essex County, Sheriff's Department, removal.

Alexander Brown, Police Officer, City of Trenton, Police Department, suspension.

Sybil Jackson-Brown, Family Service Worker, Essex County, Department of Citizen Services, release at the end of the working test period.

Jean W. Louis-Charles, City of East Orange, Senior Field Representative, Property Improvement, Department of Property Maintenance Revitalization, layoff.

Robert Dixon, Police Officer, Borough of Roselle, Police Department, suspension.

Anthony J. Fortunato, Pump Station Repairer, Township of Mount Laurel, Department of Utilities Authority, removal.

Billie Johnson, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, suspension

Ibin Jones, Juvenile Detention Officer, Essex County, Department of Citizen Services, release at the end of the working test period.

Jeffrey Kelly, Police Officer, City of Irvington, Police Department, suspension.

Joann Kolbeck, Keyboarding Clerk 2, Union County, Department of Public Safety, layoff.

Nirupa Kumarasamy, Judiciary Clerk 2, The Superior Court of New Jersey, Middlesex, release at the end of the working test period.

Marcus Leysath, Police Officer, City of Trenton, Police Department, suspension.

Jana Loehr, Police Officer, Township of Mount Holly, Police Department, removal.

Anthony Pizzo, Police Officer, Borough of Lindenwold, Department of Public Safety, suspension.

Rose Puelle, Management Specialist, Hunterdon County, Department of Public Safety, layoff.

Gernald Pyton, Human Services Specialist 2, Passaic County Board of Social Services, suspension.

Anthony L. Ribera, Greenskeeper, Monmouth County, Department of Parks, suspension.

John Rydberg, Claims Adjudicator Trainee, Disability Determinations, Department of Labor and Workforce Development, release at the end of the working test period.

Betty Smith, Senior Building Maintenance Worker, Union County, Runnells Hospital, layoff.

Michael Tompkins, Deputy Police Chief, City of Camden, Police Department, suspension.

George Warrington, Senior Correction Officer, South Woods State Prison, Department of Corrections.

Charles Zisa, Police Chief, City of Hackensack, Police Department suspension.

SECTION A - HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of George Anyanwu Morris County Department of Human Services

In the Matter of Richard Eastmead Office of the Attorney General Division of State Police Removals (2)

In the Matter of Razohn Eure City of Newark Police Department Suspension

In the Matter of Linda Ann Geier Township of North Bergen Department of Public Safety Removal

In the Matter of Felipe Gonzalez City of Newark Police Department Suspension

In the Matter of Timothy Harris City of Newark Library Removal

In the Matter of Michele Maggio Monmouth County Parks Department Removal

In the Matter of Kimberly Myrie Vineland Developmental Center Department of Human Services Removal In the Matter of Tomas G. Pappas City of Paterson Department of Public Works Layoffs

In the Matter of Karon Ross Ancora Psychiatric Hospital Department of Human Services Suspension

In the Matter of Juan Torres Hudson County Department of Corrections Removal

In the Matter of Cheryl Turner Camden County Department of Health Services Removal

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENTS

ACTION:

A-2 KEVIN BISHOP

Kevin Bishop, Technician Motor Vehicle Commission, Motor Vehicle Commission, release at the end of the working test period effective August 26, 2011.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

A-3 SHANNON CONWAY

Shannon Conway, Public Safety Telecommunicator, Monmouth County, Department of Police Radio, 30 working day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, other sufficient cause and violation of County policy.

Recommendation of the Administrative Law Judge – Uphold the 30 working day suspension.

ACTION:

A-4 MAYBELL J. CROMWELL

Maybell J. Cromwell, Human Services Specialist 1, Union County, Department of Human Services, release at the end of the working test period effective January 20, 2012.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION:

A-5 ABIODUM FASAWE

Abiodun Fasawe, Human Services Technician, Greystone Park Psychiatric Hospital, Department of Human Services, resignation not in good standing effective October 7, 2011, on the charge of job abandonment.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing.

A-6 EDWARD LACOMBE

Edward LaCombe, County Correction Officer, Camden County, Department of Corrections, resignation not in good standing effective May 21, 2011, on charges of chronic or excessive absenteeism, conduct unbecoming a public employee, other sufficient cause, neglect of duty, abuse of sick leave and absence without leave.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing.

ACTION:

A-7 NAFAEESA MILLER

Nafaeesa Miller, County Correction Officer, Burlington County, County Jail, 10 working day and 20 working day suspensions on charges of chronic or excessive absenteeism or lateness, other sufficient cause and violation of Department policy regarding attendance.

Recommendation of the Administrative Law Judge – Reverse the 10 working day and 20 working day suspensions.

ACTION:

A-8 GERALD GREGORY

Gerald Gregory, Senior Correction Officer, Garden State Youth Correctional Facility, Department of Corrections, removal effective March 2, 2011, on charges of conduct unbecoming a public employee, other sufficient cause, unexcused lateness of 15 minutes or more and falsification.

Recommendation of the Administrative Law Judge – Return to the Civil Service Commission for lack of continuing jurisdiction.

A-9 MARCUS HENDERSON

Marcus Henderson, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective March 19, 2010, on charges of conduct unbecoming a public employee, other sufficient cause, neglect of duty and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-10 TIALYNN JOHNSON

Tialynn Johnson, Human Services Assistant, Woodbine Developmental Center, Department Human Services, removal effective August 2, 2011, on charges of neglect of duty and violation of a rule, regulation, policy, procedure order or administrative decision.

Recommendation of the Administrative Law Judge – Grant the appointing authority's motion to dismiss appellant's appeal as moot.

ACTION:

A-11 FRANK ROKINS

Frank Rokins, Senior Security Guard, City of Newark, Police Department, removal effective December 12, 2011, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

SECTION B – MISCELLANEOUS MATTERS

B-1 CHANGES IN THE STATE CLASSIFICATION PLAN, DEPARTMENT OF LAW & PUBLIC SAFETY

In response to a motion filed by the Department of Law and Public Safety, the Appellate Division, Superior Court of New Jersey, has remanded the appeal of the International Brotherhood of Electrical Workers and International Brotherhood of Electrical Workers, Local 33 to the Civil Service Commission regarding the change in the State Classification Plan that was approved at the Commission's meeting on April 4, 2012.

ACTION:

B-2 MANDISA SMITH

Mandisa Smith, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 GLORIA VAUGHT

Gloria Vaught, a Judiciary Clerk 4 with the Administrative Office of the Courts, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-4 FRANK P. CANEJA

Frank P. Caneja, represented by John D. Feeley, Esq., appeals his rejection as a Police Officer candidate by the City of Garfield and its request to remove his name from the eligible list for Police Officer (S9999H) on the basis of psychological unfitness to perform effectively the duties of the position.

B-5 POLICE SERGEANT PROMOTIONAL LISTS

The Division of Selection Services requests that N.J.A.C. 4A:4-2.6(a)2 be relaxed to allow the November 30, 2010 and November 30, 2011 closing dates for certain promotional examinations for Police Sergeant to be extended to September 30, 2012.

ACTION:

B-6 JUSTIN GABRYS

The Town of Dover, represented by Matthew J. Giacobbe, Esq., requests that the Civil Service Commission relax the provisions of N.J.A.C. 4A:4-2.6(b) and N.J.A.C. 4A:4-4.7(a) with regard to the reemployment and promotional eligibility of Justin Gabrys, a former Police Officer with Dover.

ACTION:

B-7 JASON BESS

The City of Jersey City, represented by Terri Keller, Assistant Corporation Counsel and Jason Bess, represented by Michael Prigoff, Esq., request that the Civil Service Commission acknowledge the settlement reached between Jersey City and Bess, which provides that the open competitive list for Fire Fighter (M23665H), Jersey City be revived and Bess be provided with a retroactive permanent appointment to the title of Fire Fighter.

ACTION:

B-8 NICOLE CONWAY

Nicole Conway appeals the removal of her name from the Juvenile Detention Officer (C0055M), Middlesex County, eligible list due to her failure to appear for pre-employment processing.

B-9 MARKY EARP, CORRECTION OFFICER RECRUIT (S9987M), DEPARTMENT OF CORRECTIONS

Marky Earp appeals the Department of Corrections' requests to remove his name from the eligible list for Correction Officer Recruit (S9987M) on the basis of an unsatisfactory background report.

ACTION:

B-10 MIRIAM FOSTEK

Miriam Fostek appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Senior Technician, MVC (PS6069T), Motor Vehicle Commission, because her application was not received by the appointing authority.

ACTION:

B-11 MATTHEW T. KARDAS

Matthew T. Kardas, represented by Louis M. Barbone, Esq., appeals the decision of the former Division of State and Local Operations, which upheld the removal of his name from the eligible list for Correction Officer Recruit (S9999K), Department of Corrections, on the basis of an unsatisfactory employment history.

ACTION:

B-12 JONATHAN S. LIRA

Jonathan S. Lira appeals the decision of the former Division of State and Local Operations, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the County Correction Officer (S9999K), Passaic County, eligible list on the basis of his failure to complete pre-employment processing. The appellant also appeals the decision upholding the removal of his name from the Correction Officer Recruit (S9999K), Department of Corrections, eligible list on the basis of his failure to respond to the notice to appear for pre-employment processing.

B-13 CLARA MARCANO

Clara Marcano appeals her score on the examination for Entry Level Law Enforcement Examination (S9988M) and (S9999M). She also appeals the Merit System Board's dismissal in 2005 of her appeal without prejudice for her failure to appear at a scheduled hearing.

ACTION:

B-14 ROBERT KELLY

Robert Kelly, a Construction and Maintenance Technician 5 with the Department of Transportation, appeals the determination of the Director with the Division of Civil Rights and Affirmative Action, which found sufficient evidence that the appellant had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-15 SONIA SMITH

Sonia Smith, a former Clinical Specialist in Psychiatric Nursing with the Greystone Park Psychiatric Hospital, Department of Human Services, appeals the determination of the Assistant Commissioner with the DHS, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-16 SUSAN BARRETT

Susan Barrett appeals the decision of the Division of State and Local Operations which found that her position with the Department of the Treasury is properly classified as Pensions Benefits Specialist 3. The appellant seeks a Pensions Benefits Specialist 2 job classification.

B-17 TAMAYSHA BRYAN

Tamaysha Bryan appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that her position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-18 ANDREW CHERASHORE

Andrew Cherashore appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that his position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-19 TILAT CHOUDHRY

Tilat Choudhry appeals the decision of the Division of Classification and Personnel Management (formerly the Division of State and Local Operations) that the proper classification of her position with the Department of Health and Senior Services is Principal Laboratory Technician, Microbiology. The appellant seeks a Supervising Laboratory Technician job classification.

ACTION:

B-20 BRYANT COWART

Bryant Cowart appeals the decision of the Division of Classification and Personnel Management which found that his position with East Orange is properly classified as Clerk 2. The appellant seeks a Supervisor Sanitation job classification.

B-21 CRAIG ESKOW

Craig Eskow appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that his position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-22 HEATHER FURMAN

Heather Furman appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that her position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-23 MICHELLE HERBSTER

Michelle Herbster appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that her position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-24 MICHEAL HOUSEL

Micheal Housel appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that his position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-25 WILLIAM KALYNA

William Kalyna appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that his position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

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B-26 KERRILONG

Kerri Long appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that her position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-27 WALDEMAR MAZUREK

Waldemar Mazurek appeals the decision of the Division of State and Local Operations that his position with the Department of the Treasury is properly classified as Network Administrator 1. The appellant seeks a Network Administrator 2 job classification.

ACTION:

B-28 ESTHER MILLER

Esther D. Miller appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of Labor and Workforce Development is Secretarial Assistant 3, Non Stenographic. The appellant seeks a Secretarial Assistant 2, Non Stenographic job classification.

ACTION:

B-29 MOHAN NARANG

Mohan Narang appeals the determination of the former Division of State and Local Operations that his position with the Department of the Treasury is properly classified as an Auditor 2. The appellant seeks an Auditor 1 job classification.

B-30 MELISSA ORLOWSKI

Melissa Orlowski appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that her position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

ACTION:

B-31 ARISTIDES SALAZAR

The City of Vineland, on behalf of Aristides Salazar, appeals the decision of the former Division of State and Local Operations that the proper classification of Salazar's position is Assistant Storekeeper. The appointing authority seeks a Storekeeper, Electric Utility, classification for Salazar.

ACTION:

B-32 SUSAN SLACHTA

Susan Slachta appeals the decision of the Division of State and Local Operations which found that her position is properly classified as Administrative Assistant 2. The appellant seeks an Executive Assistant 3 job classification.

ACTION:

B-33 FERDINAND M. WAGNER, III

Ferdinand M. Wagner, III appeals the decision of the former Division of State and Local Operations that the proper classification of his position with the Department of the Treasury is Assistant Chief Audit Activity, Treasury. The appellant seeks a Chief Audit Activity, Treasury job classification.

ACTION:

B-34 DENISE WHALEY

Denise Whaley appeals the September 6, 2011 decision of the former Division of State and Local Operations which found that his position with the Department of Education is correctly classified as Examiner 2, Credentials. The appellant seeks a Planning Associate 3 job classification.

B-35 RUBEN CARRERO

The appeal of Ruben Carrero, a Police Officer with the City of Newark, of his 13 working day suspension, on charges, was heard by Administrative Law Judge Sandra Ann Robinson (ALJ), who rendered her initial decision on July 27, 2012. At its meeting on September 5, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to modify the 13 working day suspension to a five working day suspension. Rather, the Commission upheld the 13 working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-36 SHAQUAYA LANE

The appeals of Shaquaya Lane, a Senior Building Maintenance Worker with Trenton Psychiatric Hospital, Department of Human Services, of her removal, effective March 4, 2011, and resignation not in good standing, on charges were heard before Administrative Law Judge Elia A. Pelios (ALJ), who rendered his initial decision on July 27, 2012. At its meeting on September 5, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to grant summary decision and dismiss the appellant's appeals. Rather, the Commission ordered that the matter be remanded to the Office of Administrative Law for a hearing. The proposed decision is now submitted for the Commission's review.

ACTION:

B-37 ADMINISTRATIVE CLERK (M2287N), BAYONNE

Bayonne requests permission not to make an appointment from the March 19, 2012 certification for Administrative Clerk (M2287N).

ACTION:

B-38 REALLOCATION OF TITLES IN THE DEPARTMENT OF HUMAN SERVICES

The Department of Human Services requests the reallocation of the Child Support and Paternity Specialist 2, Child Support and Paternity Specialist 3, and Research Technician 2 titles to the noncompetitive division of the career service on an interim basis.

B-39 JOHN CENTANNI

John Centanni, represented by Craig Gumpel, Esq., petitions the Civil Service Commission for reconsideration of the decision rendered on May 16, 2012, regarding the validity of the situational judgment portion of the examination for Fire Fighter (M9999H), various jurisdictions.

ACTION:

B-40 JENNIFER DAY

Jennifer Day requests reconsideration of the final administrative decision, rendered on August 17, 2011, which upheld the appointing authority's requests to remove her name from the eligible list for Human Services Specialist 1 (C0413L), Burlington County Board of Social Services.

ACTION:

B-41 MARVIN HARRISON

Marvin Harrison, represented by Michael B. Campagna, Esq., requests reconsideration of the final administrative decision, rendered on January 25, 2012, which denied his appeal of the removal of his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of an unsatisfactory criminal record.

ACTION:

B-42 BARTLOMIEJ M. TROCHA

Bartlomiej M. Trocha requests reconsideration of the decision rendered on June 20, 2012 by the Civil Service Commission which found him to be psychologically unfit for a position as a County Police Officer (S9999K), Union County.

ACTION:

B-43 STEVEN BRODY

Steven Brody appeals the determination of the former Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Administrative Analyst 1, Accounting (S2418N).

B-44 CHARLES BUCCI

Charles Bucci appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 1, Data Processing (PS5789T), Motor Vehicle Commission.

ACTION:

B-45 JOHN J. CUCCIA, JR., ET AL.

John J. Cuccia, Jr., Brenda L. Jones, and Scott R. Nielsen appeal their scores on the promotional examination for Supervising Public Safety Telecommunicator (PC1082N), Monmouth County.

ACTION:

B-46 YOLANDA DOSTER AND ROSEANNE MACCHIARELLI

Yolanda Doster and Roseanne Macchiarelli appeal the validity of the promotional examination for Senior Field Representative Housing, Housing Assistance Program (PS3420D), Department of Community Affairs.

ACTION:

B-47 HENRY FULLER

Henry Fuller requests a make-up examination for Fire Fighter (M9999M).

ACTION:

B-48 DORIAN HERRILL

Dorian Herrill appeals the determination of the Division of Selection Services and Recruitment denying his request for a make-up examination for Battalion Fire Chief (PM0146P), Newark.

B-49 GERARD INFANTINO

Gerard Infantino requests a review of the scoring of the examinations for the Entry Level Law Enforcement Examination (S9999M) and Parole Officer Recruit (S0738M).

ACTION:

B-50 MICHAEL MOTICHA

Michael Moticha appeals the test administration of the Supervisory Test Battery (STB), which was used for the promotional examination for Supervisor of Enforcement (PS1479D), Department of Community Affairs, and his subsequent ineligibility to participate in the promotional examination for Supervisor of Enforcement (PS6806D), Department of Community Affairs because he failed to achieve a passing score on the STB.

ACTION:

B-51 JOSEPH NATALE

Joseph Natale appeals the determination of the Division of Selection Services denying his request for a make-up examination for Police Captain (PM7510N), Butler.

ACTION:

B-52 EILEEN LONERGAN

Eileen Lonergan appeals the determination of the former Division of Selection Services that she did not meet the experience requirements for the promotional examination for Administrative Analyst 2, Fiscal Management (PS4780K), Department of Human Services.

ACTION:

B-53 SUSAN MCMANUS

Susan McManus, appeals the determination of the Division of Selection Services which found that, as per the substitution clause for education, she was below the minimum requirements in experience for the open competitive examination for Human Services Specialist 1 (C0048P), Warren County.

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B-54 MEGAN SHEPPARD

Megan Sheppard appeals the determination of the former Division of Selection Services that she did not meet the experience requirements for the promotional examination for Public Health Emergency Notification System Coordinator (PC0889N), Cumberland County.

ACTION:

B-55 POONAM SOANS

Poonam Soans appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 1, Data Processing (PS6423U), Office of Information Technology.

ACTION:

B-56 SCOTT TERPAK

Scott Terpak appeals the administration of the oral portion of the promotional examination for Fire Officer 1 (PM5205N), Jersey City.

ACTION:

B-57 JANE WONDERGEM

Jane Wondergem appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Secretary Board/Commission (M2262N), Ridgewood.

ACTION:

B-58 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of September 5, 2012.